

Subject: Submission of supporting documents and means of evidence
Date: 1 December 2020

In proceedings before BOIP, whether it concerns an application, a provisional refusal, an opposition or a cancellation procedure, the parties submit other documents in addition to arguments. These serve to support a party's claims or to demonstrate the use of a trademark.

It is the responsibility of the submitting party that these documents are presented in such a way that it is clear to BOIP, and, where appropriate, its opposing party, what each document actually demonstrates and that it is clear to which ground or argument a document relates. Documents that fall short in this respect will not be taken into consideration in a decision by BOIP.

As of 1 January 2021, the following conditions apply to supporting documents and means of proof:

1. All additional documents or other evidence submitted by a party (hereinafter collectively referred to as: "Pieces"), whether or not submitted as an appendix to a basic document (such as an objection or arguments in an opposition or cancellation procedure), must meet the following requirements:
 - a. All Pieces must be included in a bundle of documents.
 - b. The bundle of documents must have a table of contents containing at least:
 - i The number under which each Piece can be found in the bundle of documents;
 - ii A brief description of each Piece included in it;
 - iii A description of the facts that each Piece proves.
 - c. Where appropriate the basic document must refer to the Piece in the bundle of documents which relates to the passage in question by indicating the number of the Piece in said bundle.
 - d. Where appropriate, where passages relevant to the evidence to be provided are part of larger Pieces, which are otherwise irrelevant (such as an advertisement in a periodical), these relevant passages should be highlighted or otherwise precisely indicated.
2. The provisions of the rules issued by the DG on submitting electronically (dated 6 May 2019) shall apply.
3. This rule issued by the DG will be applied to supporting documents submitted on the basis of an invitation sent after 1 January 2021 or following provisional refusals of trademark applications pronounced after that date.

BOIP urges that bundles of documents should be limited in size. Experience shows that the quantity of Pieces is often inversely proportional to its quality. BOIP strongly recommends observing a maximum of 110 pages.